

*"(b) This section does not apply to a determination under Section 151.506 of this code.*

*"(c) The amount of a determination made under this code is due and payable 20 days after a comptroller's decision in a redetermination hearing becomes final. If the amount of the determination is not paid within 20 days after the day the decision became final, a penalty of 10 percent of the amount of the determination, exclusive of penalties and interest, shall be added."*

**SECTION 10.** Section 151.513, Tax Code, is repealed.

**SECTION 11.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 4, 1985, by a viva-voce vote; passed the House on April 4, 1985, by a non-record vote.

Approved: April 16, 1985

Effective: August 26, 1985

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## CHAPTER 38

S.B. No. 444

An Act relating to implementation of the Federal Railroad Safety Act of 1970; adding Article 6448a to Title 112, Revised Statutes.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Title 112, Revised Statutes, is amended by adding Article 6448a to read as follows:

*"Article 6448a. IMPLEMENTATION OF FEDERAL RAILROAD SAFETY ACT OF 1970. The Railroad Commission of Texas is hereby authorized to perform any act and issue any rules and orders as permitted by the Federal Railroad Safety Act of 1970 (45 U.S.C.A. 431 et seq.)."*

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 25, 1985, by the following vote: Yeas 29, Nays 0; passed the House on April 2, 1985, by the following vote: Yeas 143, Nays 0, one present not voting.

Approved: April 16, 1985

Effective: Immediately

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## CHAPTER 39

H.B. No. 536

An Act relating to the creation, administration, powers, duties, and operations of the Multi-State Water Resources Planning Commission.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Title 2, Water Code, is amended by adding Chapter 6 to read as follows:

### CHAPTER 6. MULTI-STATE WATER RESOURCES PLANNING COMMISSION

#### SUBCHAPTER A. GENERAL PROVISIONS

*Sec. 6.001. DEFINITIONS. In this chapter:*

- (1) "Commission" means the Multi-State Water Resources Planning Commission.
- (2) "Commissioner" means a member of the commission.
- (3) "Department" means the Texas Department of Water Resources.

[Sections 6.002-6.010 reserved for expansion]

#### **SUBCHAPTER B. ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS**

**Sec. 6.011. CREATION OF COMMISSION.** The Multi-State Water Resources Planning Commission is created as an agency of the state.

**Sec. 6.012. APPLICATION OF SUNSET ACT.** The commission is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes), and unless it is continued in existence as provided by that Act, the commission is abolished and this chapter expires on September 1, 1997.

**Sec. 6.013. MEMBERS OF COMMISSION; APPOINTMENT.** (a) The commission is composed of six commissioners who are appointed by the governor with the advice and consent of the senate.

(b) The governor shall make the appointments so that each member is from a different section of the state.

(c) Two commissioners must be members of the general public, one commissioner must have a background in the field of higher education, one commissioner must have a background in private business, one commissioner must have a background in agriculture, and one commissioner must have a background in an energy-related field.

**Sec. 6.014. OFFICERS OF THE STATE; OATH.** Each commissioner is an officer of the state as that term is used in the constitution, and each commissioner shall qualify by taking the official oath of office.

**Sec. 6.015. TERMS OF OFFICE.** (a) Commissioners hold office for staggered terms of six years, with the terms of two commissioners expiring on February 1 of each odd-numbered year.

(b) Each commissioner holds office until his successor is appointed and has qualified for office.

(c) If a vacancy occurs in the office of commissioner, the governor shall appoint a successor to serve for the unexpired portion of the term.

**Sec. 6.016. CHAIRMAN.** The governor shall designate one commissioner as chairman of the commission to serve at the will of the governor.

**Sec. 6.017. COMMISSION MEETINGS.** (a) The commission shall meet at least quarterly on a day and at a place within the state selected by it.

(b) A meeting of the commission may be recessed at the discretion of the commission.

(c) The chairman or two commissioners may call a special meeting at any time by giving notice to the other commissioners.

(d) The chairman shall preside at all meetings of the commission.

(e) A majority of the commissioners constitute a quorum to transact business of the commission.

**Sec. 6.018. COMPENSATION; EXPENSES.** Each commissioner is entitled to receive the amount provided by the General Appropriations Act for his services together with travel and other necessary expenses as provided by law.

**Sec. 6.019. STAFF.** The department shall provide necessary staff and support to the commission to assist the commission in carrying out this chapter.

**Sec. 6.020. SPECIAL REPRESENTATIVES.** In cooperating with or carrying out discussions with a particular state under Section 6.051 of this code or in negotiating with a particular state under Section 6.056 of this code, the commission may appoint one or more persons who reside within an area of this state that is adjacent to the particular state with which this state is cooperating, having discussions, or negotiating, and who are knowledgeable with regard to the water concerns of the adjacent state, to join the commission in the cooperative activity, discussions, or negotiations and to advise the commission.

[Sections 6.021-6.050 reserved for expansion]

#### **SUBCHAPTER C. POWERS AND DUTIES**

**Sec. 6.051. INTERACTION WITH OTHER STATES.** (a) In cooperation with representatives of neighboring states, the commission shall study the water needs of the region after the year 2000.

(b) The commission shall initiate and carry out discussions with representatives of neighboring states relating to the identification and development of sources and methods of augmenting water supplies on a regional basis after existing water supplies are fully committed.

**Sec. 6.052. INTERACTION WITH MEXICO.** The commission shall contract and confer with the government of Mexico concerning water needs and development of sources of water supply.

*Sec. 6.053. STUDIES. The commission shall request the department to prepare studies that consider utilization of only that floodwater that is determined to be in excess of the reasonably foreseeable needs of any area where that floodwater is located.*

*Sec. 6.054. DESIGNATING WATER DEFICIENT AREAS. The commission shall designate areas of the state in which the present and future water supply is not sufficient to meet the future requirements of those areas, even after giving full consideration to the effects of water conservation in the projections of future needs.*

*Sec. 6.055. REPORTS. The commission shall make recommendations to the governor and to the legislature relating to potential water source areas and the necessary methods to bring the water to those areas in this state that need water.*

*Sec. 6.056. COMPACTS. The commission shall contact and negotiate with other states regarding the need for establishing interstate compacts, addressing groundwater problems, needs, and supplies, if an aquifer underlies several states, and addressing other related subjects that would be beneficial to the states including the conservation and beneficial use of water.*

**SECTION 2.** Not later than October 1, 1985, the governor shall appoint six persons to serve on the Multi-State Water Resources Planning Commission. The governor shall designate two of these appointees to serve until February 1, 1987, two to serve until February 1, 1989, and two to serve until February 1, 1991. Successors to these initial appointees shall serve for full six-year terms.

**SECTION 3.** This Act takes effect on September 1, 1985.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 19, 1985, by a non-record vote; passed by the Senate on April 10, 1985, by a viva-voce vote.

Approved: April 16, 1985

Effective: September 1, 1985

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## CHAPTER 40

### S.B. No. 33

An Act relating to the transfer of human organs for valuable consideration and to offers to make such transfers; defining an offense and providing for a penalty; adding a new Section 48.02 to Chapter 48, Penal Code.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 48, Penal Code, is amended by adding a new Section 48.02 to read as follows:

*"Section 48.02. PROHIBITION OF THE PURCHASE AND SALE OF HUMAN ORGANS. (a) 'Human organ' means the human kidney, liver, heart, lung, pancreas, eye, bone, skin, fetal tissue, or any other human organ or tissue, but does not include hair or blood, blood components (including plasma), blood derivatives, or blood reagents.*

*"(b) A person commits an offense if he or she knowingly or intentionally offers to buy, offers to sell, acquires, receives, sells, or otherwise transfers any human organ for valuable consideration.*

*"(c) It is an exception to the application of this section that the valuable consideration is: (1) a fee paid to a physician or to other medical personnel for services rendered in the usual course of medical practice or a fee paid for hospital or other clinical services; (2) reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the organ; or (3) reimbursement of expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.*

*"(d) A violation of this section is a felony of the third degree."*

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.